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### **NLRB SIMPLIFIES AND ENCOURAGES E-FILING**

The National Labor Relations Board announced today three changes to its e-filing program designed to simplify and encourage electronic filings:

1. The Board and the General Counsel will now accept electronic filings up to 11:59 p.m. local time at the receiving office on the due date.
2. The Board and the General Counsel will now require parties who e-file documents to serve the documents on other parties to the case by e-mail whenever possible.
3. The Board and the General Counsel will no longer require parties to provide physical copies of long documents that they file electronically.

These changes apply to the Board, Offices of the General Counsel (including Regional Offices), and the Division of Judges.

The new e-filing procedures were prompted by Agency experience in managing the e-filing program and feedback from users. As e-filing became a more widely accepted method of filing documents with the Board, there was an increase in late filings (i.e. after close of business at the receiving office). Some parties sought to file close to the deadline and then experienced technical problems accessing the Board's e-filing system on its website ([www.nlrb.gov](http://www.nlrb.gov)). Other parties wrongly presumed that the Board, like many Federal courts, allowed electronic filings until midnight on the due date.

Other reasons for the new procedures:

- It became evident that the expedited service requirements for e-filed documents imposed a substantial cost on parties and were a significant impediment to greater use of e-filing.
- Feedback indicated that the requirement that parties submit physical copies of large documents also was an impediment to greater use of electronic filing.

The changes announced today address each of these problems.

By accepting documents filed electronically up to 11:59 p.m., the Board expects fewer late filings. When e-filing under the new extended deadline, users should be aware that a technical failure by the Board's e-filing system may excuse a late filing, but user-end problems will not. Examples of user-end problems include trouble with telephone lines, the user's Internet service provider, hardware and software, users failing to understand or follow e-filing instructions, or rejection of the transmission because the document contains a virus. E-filers are encouraged to file early and follow the e-filing instructions on the Board's website carefully to ensure timely receipt of the e-filed documents.

The e-filing deadline change does not affect documents filed by other means, such as by U.S. mail, personal service, or fax. Documents filed by these non-electronic means will continue to be subject to the Board's present rule, which sets the deadline for filing at the close of business of the receiving office on the due date. For the Board and General Counsel offices in Washington, D.C., the close of business is 5:00 p.m. Eastern Time. Practitioners should refer to Appendix A to Part 102 of the Board's Rules and Regulations for the closing times of all other Agency offices.

The Board will now require that service of e-filed documents on other parties to a proceeding be effectuated by e-mail whenever possible. This will eliminate the cost and inconvenience of the Board's prior expedited service requirements for e-filed documents. If service by e-mail is not possible, the e-filing party must call the other party to notify them of the substance of the e-filed document and then serve a copy of the document, no later than the next day, by personal service, by overnight delivery service, or, with permission of the party receiving the document, by facsimile transmission.

By eliminating the requirement that e-filers also must submit physical copies of long documents, the Board hopes to encourage e-filing by reducing the parties' costs and inconvenience.

The new e-filing policy and conditions are found in the instructions for e-filing with the Board's Office of the Executive Secretary, the General Counsel's Offices in Washington, the Regional Offices, and the Division of Judges on the Board's website at <http://mynlrn.nlr.gov/efile>. In addition, e-filing frequently asked questions can be found at <http://mynlrn.nlr.gov/efilingfaq>.

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